IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

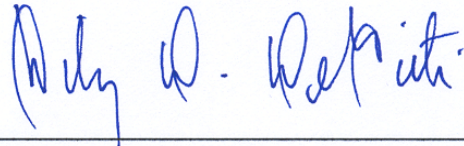|		
CASSETTA D. TAFT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-11-993-D
	)	
MICHAEL J. ASTRUE, Commissioner of	)	
Social Security Administration,	)	
	)	
Defendant.	)	

ORDER

This matter comes before the Court for consideration of Plaintiff's Application for Award

of Attorney's Fees Under the Equal Access to Justice Act [Doc. No. 23]. Plaintiff seeks an award

pursuant to 28 U.S.C. § 2412, of attorney fees in the amount of $5,411.60 for legal services provided

by her attorneys (26.4 hours) and a paralegal (5.6 hours) in the case. Plaintiff is the prevailing party

in this action under 42 U.S.C. § 405(g) by virtue of the Judgment and Order of Remand entered

November 7, 2012. The Commissioner has responded by stating he has no objection to the

requested amount or to an award payable to Plaintiff, consistent with *Astrue v. Ratliff*, 130 S. Ct.

2521, 2529 (2010), and *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007).

After consideration of the Application, the record, and the arguments of the parties, the

Court finds: (1) the Commissioner's position in the case was not substantially justified; (2) Plaintiff

is entitled to an award of attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d);

and (3) the amount of attorney fees requested is reasonable.

IT IS THEREFORE ORDERED that Plaintiff's Application is GRANTED. The Court

orders an award of attorney fees to Plaintiff pursuant to the Equal Access to Justice Act in the

amount of $5,411.60. The Court directs that payment be made to Plaintiff Cassetta D. Taft in care

of Troutman & Troutman, P.C., 1350 South Boulder, Suite 410, Tulsa, Oklahoma, 74119. Should

an additional fee award under 42 U.S.C. § 406(b) subsequently be authorized, Plaintiff's attorneys

shall refund the smaller amount to Plaintiff as required by *Weakley v. Bowen*, 803 F.2d 575, 580

(10th Cir. 1986).

     IT IS SO ORDERED this 26th day of December, 2012.

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TIMOTHY D. DeGIUSTI
UNITED STATES DISTRICT JUDGE